

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

'07 MJ 2769

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORENO-Gomez, Alberto

Defendant,

) Magistrate Docket No. _____

) Case No. _____

) CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA) COMPLAINT FOR VIOLATION OF:) Title 8 USC, Section 1326

)

)

) Deported Alien Found in the United States

)

) (Felony)

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The undersigned complainant, being duly sworn, states:

On or about November 27, 2007, within the Southern District of California, Defendant Alberto MORENO-Gomez, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF NOVEMBER, 2007.



Hon. Anthony J. Battaglia
U.S. Magistrate Judge

STATEMENT OF FACTS

Alberto MORENO-Gomez came to the author's attention via a law enforcement source on or about November 9, 2007. The author was informed that MORENO was a deported alien and that he had likely returned to the United States unlawfully subsequent to his last removal from the United States. After receiving this information, the author conducted research to determine its accuracy.

The author reviewed records maintained by the Department of Homeland Security. These records indicate that MORENO is a native and citizen of Mexico who was last deported from the United States on January 10, 2003, pursuant to an immigration judge's order of removal entered on August 21, 2000.

The author reviewed a form I-205 (Warrant of Deportation/Removal). This form documents MORENO's physical removal from the U.S. to Mexico on January 10, 2003, through the port at San Ysidro, California. An immigration judge's order mandating MORENO's removal from the United States was reviewed by the author, as was a form I-213 (Report of Deportable/Inadmissible Alien) identifying MORENO as a native and citizen of Mexico, born June 29, 1969. Photographs and fingerprints taken in preparation for deportation were also items seen by the author during this review of records.

On November 27, 2007, the author queried a computer database maintained by the California Department of Motor Vehicles (DMV). The author discovered that MORENO had made application to renew his California driver's license and was photographed for that license on October 17, 2007. Through use of the same computer databases, the author discovered that MORENO had been issued a California driver's license with the same identification number prior to being deported from the United States. During the October 17, 2007, application to renew his license, he identified himself as Alberto MORENO-Gomez, born June 29, 1969. Additionally, he provided an address of 154 Date Street, Chula Vista, California.

The Sacramento office of the DMV informed the author that this application for renewal of MORENO's license was made at the San Ysidro, California, DMV office. Additionally, MORENO's photograph, which was obtained by the author, was taken at that same office on October 17, 2007. The author compared the October 17, 2007, DMV photograph taken in San Ysidro, California, to the photographs taken by U.S. immigration officers in preparation for deportation. These photographs appear to be of the same individual.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that MORENO has applied for or received permission to reapply for admission to the United States after deportation.